

REMARKS

Claims 97 and 157 through 175 are under examination in the application.

Amendment to the claims

Support for amendment to the claim is found as follows.

Amendment to claim 97 and 166 is supported in the specification at page 16, lines 35-36, which discloses hydrophobic segments that create distinct spatial areas and page 42, lines 8-11, which discloses that chips and probes are kept in corresponding arrays. Additional support is found at page 7, lines 5-8, which teaches that the support is designed for simultaneous hybridization wherein nucleic acid molecules can be contacted with distinct probes at the same time.

Claims 163, 170 and 173 are amended to correct obvious typographical errors.

The subject matter of new claims 177 and 179 is supported in the specification at page 19, lines 21-24.

Support for the subject matter of new claims 178, 180 and 181 is found in the specification at page 19, lines 3-6 and page 42, lines 7-16.

Support for the subject matter of new claim 182 is found at page 19, lines 21-24.

Support for the subject matter of claim 183 is found at page 42, lines 7-16.

Support for the subject matter of new claims 184 and 185 is found at page 19, lines 3-6.

Support for the subject matter of new claim 186 is found at page 40, lines 21-22, page 42, lines 7-16, and page 19, lines 21-24.

Support for the subject matter of new claims 187 and 188 is found at page 19, lines 3-6.

Support for the subject matter of new claim 189 is found at page 42, lines 7-16, and page 19, lines 21-28.

The amendment includes no new matter.

The rejections under 35 USC 103(a)

The previous rejection of claims 97 and 157 through 175 was maintained under 35 U.S.C. 103(a) as being assertedly rendered obvious by the disclosure of Southern et al (Genomics, 1992, 13: 1008-1017, hereinafter "Southern") in view of the disclosure of Brigati (U.S. Patent No. 4,777,020, hereinafter "Brigati") or the disclosure of Augenlicht (U.S. Patent No. 4,981,783, hereinafter "Augenlicht").

The previous rejection of claims 97, 157 and 175 also under 35 U.S.C. 103(a) was maintained, with the examiner asserting these claims are directed to subject matter allegedly unpatentable over the disclosure of Drmanac et al (Electrophoresis, 1992, 13:566-573, hereinafter "Drmanac") and Hardy et al (U.S. Patent No. 4,681,853, hereinafter "Hardy").

The examiner responded to the applicants' previous argument regarding the first rejection, arguing "Applicant has not identified any structural element that is missing from the combined teachings of Southern, Brigati and/or Augenlicht" and "It is maintained that all the elements were known as cited above." With regard to the Applicant's response to the second rejection, the examiner again asserted, "The claims do not define a support for multiple parallel analysis of different samples and do not define any structural elements over the prior art."

The claims as amended obviate the examiner's position. The supports as recited in claims 97 and 166 have physical barriers or hydrophobic surfaces that define distinct areas and keep probes in corresponding arrays. Nothing in the art cited by the examiner teaches or suggests this feature. Indeed, nothing in the art at the time the application was filed suggested that such an arrangement was possible.

As for the examiner's assertion that there is no evidence that the invention as claims provides unrealized advantages, the examiner is referred to the applicant's previous response which included evidence above and beyond what might be construed as attorney argument, describing not only advantages the claimed invention has provided, but also evidence to the fact that the invention has significantly changed the state of the art. The examiner's attention is directed specifically to page 6 of the previous amendment. The references cited at page 6 are submitted herewith as Exhibits A and B.

The applicant submits that the invention as claimed is clearly distinguishable over the prior art and that the art neither discloses nor suggests such an invention could have been predictably produced with recited properties. In addition, the previously unseen advantages offered by the invention as claimed are evidence in support of a finding of non-obviousness. Accordingly, the applicant submits that the rejection of claims under section 103 may properly be withdrawn.

CONCLUSION

In view of the remarks made herein the applicant submits that all claims are now in condition for allowance and request expedited notification of the same.

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Respectfully submitted,

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